

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Johannes Gerdes, Thomas Scholzen, Elmar Endl, Claudia Wohlenberg,
Betting Baron-Luhr, Margrit Kernbach né Hahn, Patricia Prilla, Johanna Suwinski
and Rolf Knippers

Application No.: 09/937,649

Group Art Unit: 1644

371 (c) Date: January 28, 2002

Examiner: Haddad, M.

Confirmation No.: 2383

Title: MONOCLONAL ANTIBODIES AGAINST HUMAN PROTEIN MCM3,
PROCESS FOR THEIR PRODUCTION, AND THEIR USE

HAND DELIVERED

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or

(First/Second submission after Final Rejection)

☐ under 37 CFR 1.97(b), or

(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).

☐ under 37 CFR 1.97(c) together with either:

☐ a Statement under 37 CFR 1.97(e), as checked below, or

☐ a \$180.00 fee under 37 CFR 1.17(p), or

(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

☒ under 37 CFR 1.97(d) together with:

☒ a Statement under 37 CFR 1.97(e), as checked below, and

☒ a \$180.00 fee under 37 CFR 1.17(p), or

(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)

☐ under 37 CFR 1.97(i):

Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.

(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☒ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- ☒ Enclosed herewith is form PTO-1449:
- ☒ Copies of the cited references AD-AE are enclosed.
- ☐ Since this application was filed after June 30, 2003, copies of issued U.S. patents and published U.S. applications are not required and are not being provided.
- ☐ Copies of the cited references are enclosed except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.
- ☐ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
- ☐ the explanation provided in the Specification.
- ☐ submission of the enclosed International Search Report.
- ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
- ☐ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

Examiner's
Initials

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []
____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

☐ A copy of each above-cited application, including the current claims, is enclosed.

☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:


☒ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.

☐ Please charge Deposit Account 08-0380 in the amount of []. A copy of this Statement is enclosed.

☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
Helen Lee
Registration No.: 39,270
Telephone: (978) 341-0036
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Concord, MA 01742-9133

Dated: October 15, 2003

HAMILTON
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PATENTS, TRADEMARKS
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ADMINISTRATOR OF
PATENT AND
TRADEMARK PRACTICE

HAND DELIVERED

October 15, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Appellants: Johannes Gerdes, *et al.*
Application No.: 09/937,649 371(c) Date: January 28, 2002
Confirmation No.: 2383
Title: Monoclonal Antibodies Against Human Protein MCM3,
Process for Their Production, and Their Use
Docket No.: 3276.1000-000

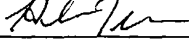
Sir:

Pursuant to a request by Examiner Haddad, Applicants are transmitting herewith copies of the Information Disclosure Statement, Form PTO-1449, and references AL-AZ, AL2-AZ2, AL3-AM3, AR3-AZ3, AR4-AZ4, and AR5-AY5, which were filed on February 22, 2002. Also transmitted herewith is a copy of the postcard receipt indicating receipt of the Information Disclosure Statement, Form PTO-1449 and references cited therein by the United States Patent and Trademark Office on February 22, 2002.

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 
Helen Lee
Registration No.: 39,270
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Initials: DEB/HL/saj

Document No.: 3276.1000-000

Date: 2/15/02

COPY

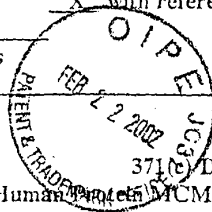
This is to acknowledge receipt of the following documents each filed under Certificate of Mailing Procedure 37 C.F.R. 1.8:

☒ INFORMATION DISCLOSURE STATEMENT _____ w/copy
☒ Form PTO-1449 pp 5 ☒ with references as noted in 1449
____ Check for \$ _____
____ Authorization to Charge all Fees _____
____ Other _____

Applicants: Johannes Gerdes *et al.*

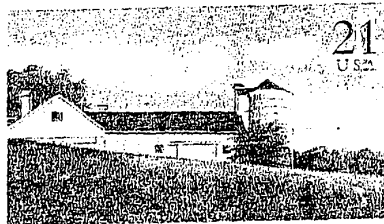
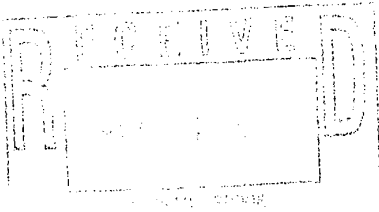
Application No.: 09/937,649

Title: Monoclonal Antibodies Against Human Protein MCM3, Process for Their Production, and Their Use



371(c) Date: January 28, 2002

Date received by the PTO:



HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

530 VIRGINIA ROAD

P.O. BOX 9133

CONCORD, MASSACHUSETTS 01742-9133

EXHIBIT

1

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Johannes Gerdes, Thomas Scholzen, Elmar Endl, Claudia Wohlenberg,
Bettina Baron-Luhr, Margrit Kernbach né Hahn, Patricia Prilla, Johanna Suwinski
and Rolf Knippers

Application No.: 09/937,649

371 (c) Date: January 28, 2002

Title: MONOCLONAL ANTIBODIES AGAINST HUMAN PROTEIN MCM3,
PROCESS FOR THEIR PRODUCTION, AND THEIR USE

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on	2-15-02 Sandra Dormann
Date	Signature
Sandra Dormann	
Typed or printed name of person signing certificate	

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents

Washington, D.C. 20231

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(First/Second submission after Final Rejection)
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 - ☐ the explanation provided in the Specification.
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 - ☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.
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Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By

Helen Lee

Registration No.: 39,270

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: February 15, 2002

PTO-1449 REPRODUCED

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

February 15, 2002

(Use several sheets if necessary)

ATTORNEY DOCKET NO.
3276.1000-000

APPLICATION NO.
09/937,649

APPLICANT
Johannes Gerdes et al.

371(c) FILING DATE
January 28, 2002

GROUP

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
mt	AA	5,223,409	29-JUN-1993	Ladner et al.	435	69.7	
mt	AB	4,816,567	28-MAR-1989	Cabilly et al.	530	387	
mt	AC	5,225,539	06-JUL-1993	Winter	530	387.3	
	AD						
	AE						
	AF						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
mt	AL	WO 92/18619	29-OCT-1992	PCT			
mt	AM	WO 91/17271	14-NOV-1991	PCT			
mt	AN	WO 92/20791	26-NOV-1992	PCT			
mt	AO	WO 92/15679	17-SEPT-1992	PCT			
mt	AP	WO 93/01288	21-JAN-1993	PCT			
mt	AQ	WO 92/010147	23-JAN-1992	PCT			
mt	AL2	WO 92/09690	11-JUNE-1992	PCT			
mt	AN2	WO 90/02809	22-MAR-1990	PCT			
mt	AK2	WO 87/02671	07-MAY-1987	PCT			
mt	AC2	WO 86/01523	13-MAR-1986	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

mt	AR	Maine, G.T. et al., "Mutants of <i>S. Cerevisiae</i> Defective in the Maintenance of Minichromosomes," <i>Genetics</i> , 106:365-385 (1984).
mt	AS	Blow, J.J. and Laskey, R.A., "A Role for the Nuclear Envelope in Controlling DNA Replication Within the Cell Cycle," <i>Nature</i> , 332:546-548 (1988).
mt	AT	Richter, A. and Knippers, R., "High-Molecular-Mass Complexes of Human Minichromosome-Maintenance Proteins in Mitotic Cells," <i>Eur. J. Biochem.</i> , 247:136-141 (1997).

EXAMINER

Maher Haddad

DATE CONSIDERED

10/16/03

PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. 3276.1000-000		APPLICATION NO. 09/937,649			
INFORMATION DISCLOSURE CITATION IN AN APPLICATION				APPLICANT Johannes Gerdes et al.			
February 15, 2002 (Use several sheets if necessary)				371(c) FILING DATE January 28, 2002			
GROUP							
U.S. PATENT DOCUMENTS							
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE IF APPROPRIATE
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANSLATION YES NO
mt	AP2	EP 0184187	11-JUN-1986	EPO			
mt	AQ2	EP 0171496	19-FEB-1986	EPO			
mt	AL2	EP 0173494	05-MAR-1986	EPO			
mt	AK3	EP 0125023	14-NOV-1984	EPO			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
mt	AU	Thömmes, P. et al., "Properties of the Nuclear P1 Protein, a Mammalian Homologue of the Yeast Mcm3 Replication Protein," <i>Nucleic Acids Research</i> , 20(5):1069-1074 (1992).					
mt	AV	Hu, B. et al., "The P1 Family: A New Class of Nuclear Mammalian Proteins Related to the Yeast Mcm Replication Process," <i>Nucleic Acids Research</i> , 21(23):5289-5293 (1993).					
mt	AW	Köhler, G. and Milstein, C., "Continuous Cultures of Fused Cells Secreting Antibody of Predetermined Specificity," <i>Nature</i> , 256:495-497 (1975).					
mt	AX	Brown, J.P. et al., "Structural Characterization of Human Melanoma-Associated Antigen p97 with Monoclonal Antibodies," <i>The Journal of Immunology</i> , 127(2):539-546 (1981).					
mt	AY	Brown, J.P. et al., "Protein Antigens of Normal and Malignant Human Cells Identified by Immunoprecipitation with Monoclonal Antibodies," <i>The Journal of Biological Chemistry</i> , 255(11):4980-4983 (1980).					
mt	AZ	Yeh, M.Y. et al., "Cell Surface Antigens of Human Melanoma Identified by Monoclonal Antibody," <i>Proc. Natl. Acad. Sci. USA</i> , 76(5):2927-2931 (1979).					
mt	AR2	Yeh, M.Y. et al., "A Cell-Surface Antigen Which is Present in the Ganglioside Fraction and Shared by Human Melanomas," <i>Int. J. Cancer</i> , 29:269-275 (1982).					
mt	AS2	Kozbor, D. and Roder, J.C., "The Production of Monoclonal Antibodies from Human Lymphocytes," <i>Immunology Today</i> , 4(3):72-79 (1983).					
mt	AT2	Cole, S.P.C. et al., "The EBV-Hybridoma Technique and its Application to Human Lung Cancer," <i>Monoclonal Antibodies and Cancer Therapy</i> , pages 77-96 (1985).					
EXAMINER Mukher Haddad				DATE CONSIDERED 10/16/03			

PTC-1449 REPRODUCED		ATTORNEY DOCKET NO. 3275.1000-000	APPLICATION NO. 09/937,649
INFORMATION DISCLOSURE CITATION IN AN APPLICATION February 15, 2002 (Use several sheets if necessary)		APPLICANT Johannes Gerdes et al.	
		371(c) FILING DATE January 28, 2002	GROUP
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
mt	AU2	Lerner, E.A., "How to Make a Hybridoma," <i>The Yale Journal of Biology and Medicine</i> , 54:387-402 (1981).	
mt	AV2	Gefter, M.L. et al., "A Simple Method for Polyethylene Glycol-Promoted Hybridization of Mouse Myeloma Cells," <i>Somatic Cell Genetics</i> , 3(2):231-236 (1977).	
mt	AW2	Galfré, G. et al., "Antibodies to Major Histocompatibility Antigens Produced by Hybrid Cell Lines," <i>Nature</i> , 266:550-552 (1977).	
mt	AX2	Fuchs, P. et al., "Targeting Recombinant Antibodies to the Surface of <i>Escherichia Coli</i> : Fusion to a Peptidoglycan Associated Lipoprotein," <i>Bio/Technology</i> , 9:1369-1372 (1991).	
mt	AV2	Hay, B.N. et al., "Bacteriophage Cloning and <i>Escherichia Coli</i> Expression of a Human IgM Fab," <i>Hum. Antibod. Hybridomas</i> , 3:81-95 (1992).	
mt	AS2	Huse, W.D. et al., "Generation of a Large Combinatorial Library of the Immunoglobulin Repertoire in Phage Lambda," <i>Science</i> , 246:1275-1281 (1989).	
mt	AR3	Griffiths, A.D. et al., "Human Anti-Self Antibodies with High Specificity from Phage Display Libraries," <i>The EMBO Journal</i> , 12(2):725-734 (1993).	
mt	AS2	Hawkins, R.E. et al., "Selection of Phage Antibodies by Binding Affinity," <i>J. Mol. Biol.</i> , 226:889-896 (1992).	
mt	AT3	Clackson, T. et al., "Making Antibody Fragments Using Phage Display Libraries," <i>Nature</i> , 352:624-628 (1991).	
mt	AU3	Gram, H. et al., "In Vitro Selection and Affinity Maturation of Antibodies from a Naive Combinatorial Immunoglobulin Library," <i>Proc. Natl. Acad. Sci. USA</i> , 89:3676-3680 (1992).	
mt	AV3	Garrard, L.J. et al., " F_{10} Assembly and Enrichment in a Monovalent Phage Display System," <i>Bio/Technology</i> , 9:1373-1377 (1991).	
mt	AW3	Hoogenboom, H.R. et al., "Multi-subunit Proteins on the Surface of Filamentous Phage: Methodologies for Displaying Antibody (Fab) Heavy and Light Chains," <i>Nucleic Acids Research</i> , 19(15):4133-4137 (1991).	
mt	AX3	Barbas, C.F. et al., "Assembly of Combinatorial Antibody Libraries on Phage Surfaces: The Gene III Site," <i>Proc. Natl. Acad. Sci. USA</i> , 88:7978-7982 (1991).	
mt	AY3	Better, M. et al., " <i>Escherichia Coli</i> Secretion of an Active Chimeric Antibody Fragment," <i>Science</i> , 240:1041-1043 (1988).	
EXAMINER		DATE CONSIDERED	
Maher Haddad		10/16/03	

PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. 3276.1000-000	APPLICATION NO. 09/937,649
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		APPLICANT Johannes Gerdes et al.	
February 15, 2002 (Use several sheets if necessary)		371(c) FILING DATE January 28, 2002	GROUP
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
MH	A23	Liu, A.Y. et al., "Chimeric Mouse-Human IgG1 Antibody that can Mediate Lysis of Cancer Cells," <i>Proc. Natl. Acad. Sci. USA</i> , 84:3439-3443 (1987)	
MH	AR4	Liu, A.Y. et al., "Production of a Mouse-Human Chimeric Monoclonal Antibody to CD20 with Potent Fc-Dependent Biologic Activity," <i>The Journal of Immunology</i> , 139(10):3521-3526 (1987).	
MH	AS4	Sun, L.K. et al., "Chimeric Antibody with Human Constant Regions and Mouse Variable Regions Directed Against Carcinoma-Associated Antigen 17-1A," <i>Proc. Natl. Acad. Sci. USA</i> , 84:214-218 (1987).	
MH	AT4	Nishimura, Y. et al., "Recombinant Human-Mouse Chimeric Monoclonal Antibody Specific for Common Acute Lymphocytic Leukemia Antigen," <i>Cancer Research</i> , 47:999-1005 (1987).	
MH	AU4	Wood, C.R. et al., "The Synthesis and In Vivo Assembly of Functional Antibodies in Yeast," <i>Nature</i> , 314:446-449 (1985).	
MH	AV4	Shaw, D.R. et al., "Mouse/Human Chimeric Antibodies to a Tumor-Associated Antigen: Biologic Activity of the Four Human IgG Subclasses," <i>Journal of the National Cancer Institute</i> , 80(19):153-159 (1988).	
MH	AW4	Morrison, S.L., "Transfectomas Provide Novel Chimeric Antibodies," <i>Science</i> , 229:1202-1207 (1985).	
MH	AX4	Oi, V.T. et al., "Chimeric Antibodies," <i>BioTechniques</i> , 4(3):214-221 (1986).	
MH	AY4	Jones, P.T. et al., "Replacing the Complementarity-Determining Regions in a Human Antibody with those from a Mouse," <i>Nature</i> , 321:522-525 (1986).	
MH	AZ4	Verhoeven, M. et al., "Reshaping Human Antibodies: Grafting an Antilysozyme Activity," <i>Science</i> , 239:1534-1536 (1988).	
MH	AR5	Beidler, C.B. et al., "Cloning and High Level Expression of a Chimeric Antibody with Specificity for Human Carcinoembryonic Antigen," <i>The Journal of Immunology</i> , 141(11):4053-4060 (1988).	
MH	AS5	Mashal, R.D. et al., "Expression of Cell Cycle-regulated Proteins in Prostate Cancer," <i>Cancer Research</i> , 56:4159-4163 (1996).	
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